

THE LAW OFFICE OF

ELISA HYMAN, P.C.

December 5, 2024

MEMORANDUM ENDORSED

VIA ECF

Honorable Gabriel W. Gorenstein, U.S.M.J.
United States District Court - Southern District of New York
40 Foley Square
New York, New York 10007

Re: *J.Z., et al., v. N.Y.C. Dep't of Educ., et al.*, 23-cv-9779 (DEH)

Dear Judge Gorenstien:

I represent the Plaintiffs in the above-referenced case and write jointly with counsel for the Defendants to request clarification with respect to Your Honor's Memo Endorsement, ECF No. 54.

In the parties' November 18, 2024 status letter, ECF No. 53, reporting on the status of settlement, we also requested a stay of discovery and the deadlines in the Case Management Plan ("CMP"), ECF No. 22. As noted in the November letter, settlement has been delayed but is now back on track. Before engaging in timely and costly discovery unnecessarily, the parties would like additional time to try to resolve claims in the first instance, or try to resolve or at least some portion of the claims in this case. The parties remain optimistic that at least some of Plaintiffs' claims could be resolved via settlement. As such, the parties respectfully requested a stay of the discovery deadlines in the CMP *sine die* for settlement purposes.¹ Your Honor granted and endorsed the parties' application. ECF No. 54. The parties are unclear, however, if the discovery stay was granted, or just the request to submit a further update by November 25, 2024 was granted.² If it was only the latter with respect to a status update, then the parties now respectfully request a discovery stay, for all the reasons previously indicated. *See* ECF No. 53.

¹ As Your Honor may recall, the parties reported in the November letter that it was their third request for an extension of the CMP deadlines. ECF Nos. 33, 51. Judge Ho granted the parties' first request and Your Honor granted the second one. ECF Nos. 34, 52. If the case is not able to be fully resolved via settlement, the parties propose submitting a revised CMP establishing new discovery deadlines if and when it is determined settlement is not possible.

² The parties submitted an update on November 25, 2024, requesting additional time to make progress on settlement. ECF No. 55. The parties next status report is due December 9, 2024. ECF No. 56.

Thank you for Your Honor's attention to this matter and consideration of this joint request.


Respectfully Submitted,
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: _____
Erin O'Connor, Esq., Of Counsel
Counsel for Plaintiffs

cc: All counsel of record via ECF

The joint application for a stay of discovery is granted.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
December 5, 2024